

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN LOPES,

Petitioner,

-against-

JAFIA CALLADO,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/17/2020

1:20-cv-01063-GHW

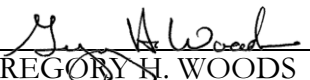
ORDER

GREGORY H. WOODS, United States District Judge:

On September 8, 2020, Petitioner requested permission to withdraw his petition pursuant to 28 U.S.C. § 2254 without prejudice. Dkt. No. 21. Respondent has not filed an opposition to that request. Accordingly, the petition is dismissed. The Court notes that “the one-year limitations period is not tolled during the pendency of a federal habeas petition.” *De Jesus v. Miller*, 215 F. Supp. 2d 410, 412 (S.D.N.Y. 2002) (citing *Duncan v. Walker*, 533 U.S. 167 (2001)). The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: September 17, 2020
New York, New York



GREGORY H. WOODS
United States District Judge